

Parties to the main proceedings

Appellant: DA

Respondents: Romanian Air Traffic Services Administration (Romatsa), Romania, European Organisation for the Safety of Air Navigation (Eurocontrol)

Other parties: European Commission, FC, S. C. European Food S.A., S. C. Starmill S.R. L., S. C. Multipack S.R. L.

Appellants: FC, S. C. European Food S.A., S. C. Starmill S.R. L., S. C. Multipack S.R. L.

Respondents: Romanian Air Traffic Services Administration (Romatsa), Romania, DA, European Organisation for the Safety of Air Navigation (Eurocontrol)

Other party: European Commission

Questions referred

1. Is Decision (EU) 2015/1470 of the European Commission of 30 March 2015 on State aid SA.38517 (2014/C) (ex 2014/NN) ⁽¹⁾ to be understood as referring to payments due from Romania even in a case where payments are recovered against Romania as a result of proceedings to enforce the ICSID arbitral award of 11 December 2013 brought before the courts of a Member State other than Romania?
2. Does EU law itself automatically require a court of a Member State (other than Romania), before which an action is brought to oppose proceedings for the enforcement of an ICSID arbitral award which has the force of *res judicata* according to the national procedural rules of that Member State, to reject that award, for the sole reason that a non-definitive decision of the European Commission adopted after the date of the award considers enforcement of that award to be contrary to the EU State aid regime?
3. Does EU law, in particular the principle of cooperation in good faith and the principle of *res judicata*, allow the national court of a Member State (other than Romania) not to comply with its international obligations under the ICSID Convention in a situation where the European Commission has adopted a decision after the date of that award, under which enforcement of the award is regarded as contrary to the EU State aid regime, even when the European Commission participated in the arbitration proceedings (including the action for annulment of the award) and put forward its case in relation to the EU State aid regime?

⁽¹⁾ Commission Decision (EU) 2015/1470 of 30 March 2015 on State aid SA.38517 (2014/C) (ex 2014/NN) implemented by Romania — Arbitral award [...] of 11 December 2013 (notified under document C(2015) 2112) (OJ 2015 L 232, p. 43).

Request for a preliminary ruling from the Augstākā tiesa (Senāts) (Latvia) lodged on 29 April 2019 — Valsts ieņēmumu dienests v SLA ‘Hydro Energo’

(Case C-340/19)

(2019/C 220/31)

Language of the case: Latvian

Referring court

Augstākā tiesa (Senāts)

Parties to the main proceedings

Appellant in the appeal on a point of law: Valsts ieņēmumu dienests

Respondent in the appeal on a point of law: SIA 'Hydro Energo'

Question referred

Must the Combined Nomenclature, as set out in Annex I of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, ⁽¹⁾ amended by Commission Regulation (EU) No 1006/2011 of 27 September 2011, ⁽²⁾ be interpreted as meaning that heading 7407 (Copper bars, rods and profiles) includes copper or copper alloy ingots in a rectangular shape, the thickness of which exceeds one-tenth of the width and which are hot-rolled, but which have irregular pores, holes and cracks in their cross-section?

⁽¹⁾ OJ 1987 L 256, p. 1.

⁽²⁾ OJ 2011 L 282, p. 1.

Appeal brought on 1 May 2019 by Région de Bruxelles-Capitale against the order of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-178/18 Région de Bruxelles-Capitale v Commission

(C-352/19 P)

(2019/C 220/32)

Language of the case: French

Parties

Appellant: Région de Bruxelles-Capitale (Brussels, Belgium) (represented by: A. Bailleux, lawyer)

Other party to the proceedings: European Commission

Form of order sought

- Set aside the order of 28 February 2019 (T-178/18);
- Rule on the admissibility of the action for annulment brought by the Région de Bruxelles-Capitale against Commission Implementing Regulation (EU) 2017/2324 of 12 December 2017 renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾, and, as to the remainder, refer the case back to the General Court;
- Order the Commission to pay the costs of these proceedings and of the proceedings before the General Court.

Pleas in law and main arguments

By the contested order, the General Court declared the action brought by the Région de Bruxelles-Capitale inadmissible on the ground of lack of interest in bringing proceedings. More specifically, the Court held that the Région de Bruxelles-Capitale was not directly concerned by the contested regulation, within the meaning of Article 263(4) TFEU.